

## **REMARKS**

Claims 1-6 were presented and examined. In this Response, Claims 1 and 4 are amended. Claims 1-6 remain in the application. Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

### **Rejections of the Claims under 35 U.S.C. § 103**

A. Claims 1, 3, 4, and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, et al. ("Kim," "An Efficient Transcoding Algorithm for G.723.1 and EVRC Speech Coders") in view of U.S. Publication 2001/0023395 to Su et al. ("Su") in view of U.S. Patent 6,829,579 to Jabri et al. ("Jabri").

Independent Claims 1 and 4 have been amended to include that a predicted pitch delay is calculated by applying linear prediction to a plurality of past open-loop pitch delays of the G.723.1 speech encoder. Applicants submit that none of the cited references teaches or suggests this limitation.

The Examiner recognizes that Kim and Jabri do not disclose the calculation of a predicted pitch delay by applying linear prediction to past open-loop pitch delays of the G.723.1 speech encoder, but relies on Su for disclosing this calculation. Su discloses equations for determining a prediction of the pitch lag (paragraphs 112-117). The prediction is calculated by linearly combining the past closed-loop pitch lags and one previous open-loop pitch lag. Su does not disclose that the predicted pitch delay is calculated by applying linear prediction to a plurality of past open-loop pitch delays of the G.723.1 speech encoder. The claimed invention uses a plurality of past open-loop pitch delays. Thus, the accuracy of delay prediction is enhanced compared to Su which uses one past open-loop pitch delay.

Further, Applicants submit that there is no motivation to combine Su with Kim to produce "calculating a difference between the changed closed-loop pitch delay of the SMV speech decoder and the calculated predicted pitch delay," as recited in Claims 1 and 4. Kim discloses calculating a difference between the closed-loop pitch of a source with the closed-loop pitch from a previous target subframe (see Kim at page 1562, right column). There is no suggestion in Kim that the past closed-loop pitch can be replaced by a predicted pitch delay. Su discloses the calculation of a predicted pitch lag in a

context unrelated to the transcoding between two different encoding standards. Thus, the combination of the predicted pitch lag of Su with the disclosure of Kim is based on hindsight reconstruction, which is not permitted by law.

For at least the reasons mentioned above, Kim in view of Su and Jabri does not teach or suggest each of the elements of amended Claims 1 and 4, as well as their respective dependent claims, namely, Claims 3 and 6. Accordingly, withdrawal of the rejection of Claims 1, 3, 4, and 6 is requested.

B. Claims 2 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Su in view of Jabri as applied to claims 1 and 4, and further in view of U.S. Patent 5,734,789 issued to Swaminathan et al. ("Swaminathan").

Claims 2 and 5 depend from Claims 1 and 4, respectively. Thus, for at least the reasons mentioned above in regards to Claims 1 and 4, these dependent claims are non-obvious over Kim in view of Su and Jabri.

Swaminathan is relied on for disclosing the use of two pitch delays per frame. However, Swaminathan does not supply the missing elements mentioned above in amended Claims 1 and 4. Thus, Claims 2 and 5 are non-obvious over the cited references. Accordingly, withdrawal of the rejection of Claims 2 and 5 is requested.

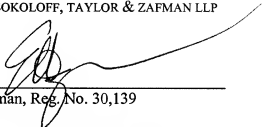
**CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

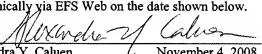
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 4, 2008

  
\_\_\_\_\_  
Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

CERTIFICATE OF ELECTRONIC FILING  
I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

  
\_\_\_\_\_  
Alexandra Y. Caluen

November 4, 2008